

800.1012

REMARKS

Claims 1-33 are in this application, as previously amended by the Applicant in a Preliminary Amendment filed May 16, 2001 and in a Supplemental Preliminary Amendment dated February 26, 2003.

In the April 15, 2003 Office Action, the Examiner indicated that he considered the election with traversal in our previous response and that, upon further consideration, he has further limited the inventive group elected by Applicants in the February 6, 2003 Response to Office Action, as follows: R2 is limited to the phospholipids head groups which the Examiner considers supported in the specification on page 6, line 15, i.e., choline, ethanolamine, inositol and serine; and B is limited to the blocking groups which the Examiner considers supported in the specification, i.e., benzyl chloromate, benzyloxycarbonate, diphenylcarbinol and trimethylacetamidocarbinol. Accordingly, the Examiner indicated that, along with the elected embodiment, he would consider the following generic concept as depicted in claim 1 for examination: R1 is a saturated, unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms; R2 is choline, ethanolamine, inositol or serine; D is indomethacin; Z is a saturated hydrocarbon chain having from 2 to 15 carbon atoms; X is selected from amino or thio; and B is benzyl chloromate, benzyloxycarbonate, diphenylcarbinol or trimethylacetamidocarbinol. The remaining subject matter was withdrawn from consideration.

Thus, in the April 15, 2003 Office Action, the Examiner objected to claims 1-26 and 28-33 as containing non-elected subject matter. Claim 27 was restricted out in its entirety and stands withdrawn. In response to this objection, Applicants have herein canceled claim 27 and amended claims 1-26 and 28-33 such that these are now directed to the elected subject matter only. In particular, independent claims 1, 11 and 30 have been amended so as to be directed to elected subject matter only, and claims 8, 9, 18, 19 and 33 have been canceled. This objection should now be withdrawn.

The Examiner also rejected claims 2 and 12 for a lack of antecedent basis of the limitation "drug derivative". In response, Applicants note that claim 2 was previously amended

800.1012

in the Supplemental Amendment dated February 26, 2003 such that the limitation "drug derivative" no longer appears in claim 2. In addition, Applicants have herein amended claim 12 to remove this limitation. Accordingly, this rejection should be withdrawn.

In the April 15, 2003 Office Action, the Examiner rejected claim 30 for non-enablement. Applicants have in response amended claim 30 to incorporate the description of process steps set forth on page 19-20 of the specification, as suggested by the Examiner. This rejection should, therefore, be withdrawn.

Conclusion

Reconsideration of the present application, as amended, is requested. It is respectfully submitted that claims 1-7, 10-17, 20-26, 28, 29, 31 and 32 remaining in this application are patentable. If, upon review, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone Applicant's undersigned attorney in order to resolve any outstanding issues and advance the prosecution of the case.

An early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Morey B. Wildes
Reg. No. 36,968

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940